

**LEWIS BRISBOIS BISGAARD & SMITH LLP**

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Growers Assurance Trust

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LUCILE SALTER PACKARD  
CHILDREN'S HOSPITAL AT  
STANFORD, a California nonprofit  
corporation,

Plaintiff,

vs.

WESTERN GROWERS ASSURANCE  
TRUST, a voluntary employees benefit  
association pursuant to 26 U.S.C.  
§501(c)(9), and DOES 1 THROUGH  
25, INCLUSIVE,

Defendants.

CASE NO. 5:18-cv-05620-BLF  
ORDER APPROVING  
**JOINT STIPULATION TO  
REMAND REMOVED CASE TO  
SUPERIOR COURT OF SANTA  
CLARA**

Trial Date: None Set

**TO THE HONORABLE COURT:**

Plaintiff LUCILE SALTER PACKARD CHILDREN'S HOSPITAL AT  
STANFORD ("Plaintiff") and Defendant WESTERN GROWERS ASSURANCE  
TRUST, by and through their respective counsel of record, hereby stipulate as  
follows:

1. On July 30, 2018, Plaintiff commenced an action in the Superior Court  
of the State of California in and for the County of Santa Clara, entitled as above,  
Santa Clara Superior Court Case Number 18CV332422 (the "Action").

1           2.     On September 13, 2018, Defendant filed a notice of removal of the  
2 Action pursuant to U.S.C. §1441(a) with the United States District Court for the  
3 Northern District of California, with the Action ultimately being assigned to the  
4 Honorable Beth L. Freeman of the United States District Court for the Northern  
5 District, Case Number 5:18-cv-05620-BLF.

6           5.     On September 18, 2018, Defendant filed a Motion to Dismiss based  
7 upon ERISA preemption.

8           9.     On October 2, 2018, counsel for Plaintiff filed its Opposition  
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10       As a result, the **PARTIES HEREBY STIPULATE AS FOLLOWS:**

- 11       •     Plaintiff and Defendant stipulate to remand this Action, in its entirety,  
12           back to the Superior Court of California in and for the County of Santa  
13           Clara from where it originated for all further proceedings.
- 14       •     Plaintiff and Defendants further stipulate that each party shall bear its  
15           own attorneys' fees and costs with respect to the removal and  
16           subsequent remand of the Action pursuant to this stipulation and order.

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18  
19 DATED: February 19, 2019

JOSEPH C. CAMPO  
LEWIS BRISBOIS BISGAARD & SMITH LLP

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22 By:           /s/ Joseph C. Campo            
23     Joseph C. Campo  
24     Attorneys for Defendant, Western Growers  
25     Assurance Trust  
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1 DATED: February 15, 2019

BARBARA V. LAM  
LAW OFFICES OF STEPHENSON,  
ACQUISTO & COLMAN, INC.

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By: /s/ Barbara V. Lam  
Barbara V. Lam  
Attorneys for Plaintiff, Lucile Salter  
Packard Children's Hospital at Stanford

IT IS SO ORDERED.

DATED: February 19, 2019

  
Hon. Beth L. Freeman